



City of Oakland Meeting Minutes

Office of the City Clerk
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612
LaTonda Simmons, City Clerk

*Rules & Legislation Committee

Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, California, 94612

City of Oakland Website: <http://www.oaklandnet.com>

Thursday, February 07, 2013

10:45 AM

City Council Chambers - 3rd Floor

Roll Call / Call to Order

Present: Vice Mayor Reid, Council President Kernighan, Member Schaaf and Member Kalb

The Oakland City Council Rules & Legislation Committee convened at 10:54 a.m., with Councilmember Kernighan presiding as Chairperson.

1 Determinations of Closed Session

No report was given. No action was taken.

2 Approval of the Draft Minutes from the Committee meeting of January 24, 2013

**A motion was made by Vice Mayor Reid, seconded by Member Schaaf, to
*Approve as Submitted. The motion carried by the following vote:**

Votes: Aye; 4 - Vice Mayor Reid, Member Kalb, Member Schaaf and Council President Kernighan

3 Determination of Schedule of Outstanding Committee Items

**A motion was made by Member Schaaf, seconded by Vice Mayor Reid, to
*Approve as Submitted. The motion carried by the following vote:**

Votes: Aye; 4 - Vice Mayor Reid, Member Kalb, Member Schaaf and Council President Kernighan

The Roll Call was modified to note Vice Mayor Reid absent at 11:32 a.m.

4 Scheduling of Agenda Items and revisions to previously distributed 10 Day Agendas(SUPPLEMENTAL)

**A motion was made by Member Schaaf, seconded by Member Kalb, to
*Approve as Submitted. The motion carried by the following vote:**

Votes: Absent; 1 - Vice Mayor Reid

Aye; 3 - Member Kalb, Member Schaaf and Council President Kernighan

S-4.1 Subject: SAFER Grant 2012
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To: 1) Enter Into A Grant Agreement With The Federal Emergency Management Agency (FEMA) To Accept Staffing For Adequate Fire Emergency Response (Safer) Grant Funds In The Amount Of Seven Million Seven Hundred Eighty Two Thousand Two Hundred And Forty Dollars (\$7,782,240), And 2) Accept, Appropriate, And Administer Safer Grant Funds, And 3) Expend Funds To Hire Twenty-Four Firefighters For The Oakland Fire Department From March 9, 2013 Through March 8, 2015, Provided The City's Hiring Policies Are Followed
[12-0280](#)

Scheduled to *Public Safety Committee on 2/26/2013

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S-4.2 Subject: Cash Management Report
From: Office Of The City Administrator
Recommendation: Receive A Cash Management Report For The Quarter Ended December 31, 2012
[12-0278](#)

Scheduled to *Finance & Management Committee on 2/26/2013

[View Report.pdf](#)

S-4.3 Subject: Biennial Report Of The Cannabis Regulatory Commission
From: Office Of The City Administrator
Recommendation: Receive A Biennial Report From The Cannabis Regulatory Commission (Formerly Named The Measure Z Oversight Committee) To The Oakland City Council For Calendar Years 2011 And 2012
[12-0279](#)

Scheduled to *Public Safety Committee on 2/26/2013

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S-4.4 Subject: Appropriations Limits Amendment
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Amending The Appropriations Limits For Fiscal Years (FY) 2010-2011, 2011-2012, And 2012-2013 Pursuant To Article XIII B Of The California Constitution
[12-0302](#)

Scheduled to *Finance & Management Committee on 2/26/2013

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S-4.5 Subject: Recognition Of Service: Mary Miles
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Commending Mary Miles For Over 28 Years Of Outstanding And Dedicated Service And Congratulating Her On The Occasion Of Her Retirement
[12-0284](#)

**Scheduled to * Concurrent Meeting of the Oakland Redevelopment
Successor Agency and the City Council on 2/19/2013**

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S-4.6 Subject: Settlement Agreements - OPD Unlawful Searches
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim For Attorneys' Fees And Costs Incurred In Legal Motions In The Following Cases (Oakland Police Department - Unlawful Search) In Amount Of One Hundred Seventy-nine Thousand Nine Hundred Sixty-Nine Dollars And Ninety-Seven Cents (\$179,969.97): James Taylor And Robert Forbes v. City Of Oakland, et al., United States District Court No. C04-04843 SI; City Attorney's File No. SS26446; Darnell Foster, Rafael Duarte And Yancie Young v. City Of Oakland, et al. United States District Court No. C05-03110 SI; City Attorney's File No. SS02705; Jimmy Rider v. City Of Oakland, et al. United States District Court No. C05-03204 SI; City Attorney's File No. SS02719; Tyrone Moore And Deandre Wash v. City Of Oakland, et al., United States District Court No. C06-02426SI; City Attorney's File No. SS24386; Jeffrie Miller, Richard Tillman, Jason Cagler, Jomal Reed, Curtis Freeman, Glenn Lovely And Kevin Bradley v. City Of Oakland, et al., United States District Court No. C07-01773 SI; City Attorney's File No. SS25571; John Smith, Robert Davis, Meheret Aneteneh, Jamel Parrish, Yusef Morris, Elbert Owens, Raheem Hill And Sherman Dunn v. City Of Oakland, et al., United States District Court No. C07-06298 SI; City Attorney's File No. SS25818; David Ward, James Tyson, And Tony Armstrong v. City Of Oakland, et al., United States District Court No. C07-04179 SI; City Attorney's File No. SS25880; Terrell Turner, Robert Young, Orlando Moore And Anthony Jackson v. City Of Oakland, et al., United States District Court No. C08-03114 SI; City Attorney's File No. SS26566; Lawrence Coley v. City Of Oakland, et al., United States District Court No. C08-04255 SI; City Attorney's File No. SS26767; Rahsan Kountz v. City Of Oakland, et al, United States District Court No. C09-05318 SI; City Attorney's File No. SS27508; Courtney Brown v. City Of Oakland, et al, United States District Court No. C11-04904; City Attorney's File No. SS26767-1; Larry Noble, Jr. v. City Of Oakland, et al., United States District Court No. C11-04906 SI; City Attorney's File No. SS26767-2; Nkukwe Okoli v. City Of Oakland. et al., United States District Court No. C11-04907 SI; City Attorney's File No. SS26767-3; Quincy Smith v. City Of Oakland, et al., United States District Court No. C11-04909 SI; City Attorney's File No. SS26767-4; Thomas Romerson v. City Of Oakland, et al., United States District Court No. C11-04908 SI; City Attorney's File No. SS27508-1; Stephen Johnson v. City Of Oakland, et al., United States District Court No. C11-04905; City Attorney's File No. SS27508-2; B. M., A Minor, By And Through His Next Friend, Felicia Williams v. City Of Oakland, et al., United States District Court No. C11-04903 SI; City Attorney's File No. SS27508-3
[12-0298](#)

**Scheduled to * Concurrent Meeting of the Oakland Redevelopment
Successor Agency and the City Council on 2/19/2013**
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S-4.7 Subject: City Attorney's Protocols Regarding Outside Counsel
From: Office Of The City Attorney
Recommendation: Receive An Informational Report From City Attorney Regarding City Attorney's Powers, Procedures And Protocols For Retention Of Outside Counsel; On The March 12, 2013 Finance & Management Committee Agenda
[12-0299](#)

Scheduled to *Finance & Management Committee on 3/12/2013

S-4.8 Subject: Salary Ordinance Amendment - New Classifications
From: Department of Human Resources Management
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Add The Classifications Of Revenue Analyst, Principal; Pool Technician; Pool Technician, PPT; And Pool Technician, PT
[12-0286](#)

Scheduled to *Finance & Management Committee on 2/26/2013

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S-4.9 Subject: Salary Ordinance Amendment - UM1/UM2 Classifications
From: Department Of Human Resources Management
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Recommending To The Civil Service Board The Exemption Of The Following Classification From The Operation Of The Civil Service: Manager, Human Services; And
[12-0287](#)

Scheduled to *Finance & Management Committee on 2/26/2013

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2) An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Change The Bargaining Unit Designation From UM 1 To UM2 For The Classifications Of Administrative Services Manager II; Business Analyst IV; Manager, Marketing Program; Open Government Coordinator; Project Manager II; And Manager, Zoning; And To Add The Classifications Of Manager, Sustainability Program; Manager, Oracle Operations; Manager, Technology Program; Manager, Rent Adjustment Program; And Manager, Human Services
[12-0287-1](#)

S-4.10 Subject: Appropriate Funds for City's Network & Telephone Upgrades
From: Department Of Information Technology
Recommendation: Adopt A Resolution: (1) Waiving Formal Advertising And Competitive Bidding And The Request For Proposals/Request For Qualifications ("RFP/RFQ") Requirements And Authorizing The City Administrator, Or Her Designee, To Negotiate And Enter Into A Contract With Shoretel Or An Authorized Reseller For Professional Services, Hardware And Software To Upgrade The Shoretel Telephone System And Annual Maintenance For An Amount Not To Exceed \$275,000.00 Annually Or \$825,000.00 For A Contract Term Of 3 Years, And 2) Waiving Formal Advertising And Competitive Bidding And The Request For Proposals/Request For Qualifications ("RFP/RFQ") Requirements And Authorizing The City Administrator, Or Her Designee, To Negotiate And Enter Into A Contract With Enterasys Networks Or An Authorized Reseller For The Upgrade Of Hardware, Software, Professional Services And Maintenance Of The City Services Enterasys Network For An Implementation Cost Not-To-Exceed \$1,200,000.00 And An Annual Maintenance Amount Not To Exceed \$150,000.00 Per Year For A Term Of 5 Years, For A Grand Total Contract Amount Of \$1,950,000.00; And 3) Authorizing The City Administrator Or Her Designee To Appropriate Current And Future Funds In Internal Services Fund 4210 For The Ongoing Cost Associated With The Delivery Of Telephone, Network And Telecommunications Services Without Return To Council. These Costs Include Upgrade Of The Telephone And Network Equipment, Maintenance And Support, Telephone Lines And Installation Services.

[12-0290](#)

Scheduled to *Finance & Management Committee on 2/26/2013

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S-4.11 Subject: Prospective Handgun Owner Letters
From: Councilmember Desley Brooks
Recommendation: A Request To Withdraw An Item From The February 26, 2013 Public Safety Committee Agenda and Reschedule It To The March 12, 2013 Public Safety Committee Agenda

Adopt A Resolution Urging The Chief Of Police To Send Letters To Prospective Handgun Purchasers Who Reside In The Jurisdiction Informing Them Of Their Responsibilities As A Firearm Owner

Reason:

OPD IS AWAITING PERTINENT INFORMATION FROM THE DEPARTMENT OF JUSTICE

[12-0232](#)

***Withdrawn and Rescheduled to *Public Safety Committee on 3/12/2013**

S-4.12 Subject: Travel Authorization - Brooks National League Of Cities
From: Councilmember Desley Brooks
Recommendation: Adopt A Resolution Authorizing Councilmember Desley Brooks To Travel To Washington, D.C. To Attend The 2013 National League Of Cities Congressional City Conference From March 9-13, 2013
[12-0301](#)

**Scheduled to * Concurrent Meeting of the Oakland Redevelopment
Successor Agency and the City Council on 2/19/2013**
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S-4.13 Subject: Revise Neighborhood Stabilization Program Allocations
From: Department Of Housing And Community Development
Recommendation: Adopt A Resolution Amending Resolutions No. 81933 C.M.S. And No. 83641 C.M.S. To Swap Up To \$750,000 Of HUD Neighborhood Stabilization Program 1 (NSP1) Funds Allocated To Urban Strategies Council For The Oakland Community Land Trust With Up To \$750,000 Of HUD Home Funds Allocated To East Bay Asian Local Development Corporation For The California Hotel Rehabilitation Project
[12-0291](#)

**Scheduled to *Community & Economic Development Committee on
2/26/2013**
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S-4.14 Subject: Housing NOFA Awards
From: Department Of Housing And Community Development
Recommendation: Adopt The Following Pieces Of Legislation:
1) A Resolution Appropriating \$29,884 From The Howie Investment Partnerships Fund For Housing Development Project Funding;
[12-0292](#)

**Scheduled to *Community & Economic Development Committee on
2/26/2013**
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2) A Resolution Authorizing An Affordable Housing Development Loan In An Amount Not To Exceed \$2,000,000 To East Bay Asian Local Development Corporation And The Related Companies Of California For The Lion Creek Crossings Senior Phase V Rental Project Located At 6710-6760 Lion Way;
[12-0292-1](#)

3) A Resolution Authorizing An Affordable Housing Development Loan In An Amount Not To Exceed \$1,960,000 To Resources For Community Development For The 1701 Martin Luther King Jr. Way Project; And
[12-0292-2](#)

4) A Resolution Amending A \$941,124 Loan To The Gamelin-California Association For The Providence House Affordable Housing Project To Extend The Maturity Date
[12-0292-3](#)

S-4.15 Subject: JLG Associates Loan Amendment
From: Office Of Neighborhood Investment
Recommendation: Adopt A Resolution Authorizing An Amendment To The Loan Agreement With JLG Associates, LLC, To Remove The Requirement For A Full-Service Grocery Store At The Jack London Gateway Shopping Center
[12-0293](#)

Scheduled to *Community & Economic Development Committee on 2/26/2013
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S-4.16 Subject: CalHome Grant Application
From: Department Of Housing And Community Development
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept And Appropriate Grant Funds From The California Department Of Housing And Community Development In An Amount Not To Exceed \$1.5 Million Under The CalHome Program For First-Time Homebuyer Mortgage Assistance Programs
[12-0294](#)

Scheduled to *Community & Economic Development Committee on 2/26/2013
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S-4.17 Subject: Coliseum Way Bridge Contract & Grant
From: Public Works Agency
Recommendation: Adopt The Following Pieces Of Legislation:
1) A Resolution Authorizing The City Administrator To Award A Construction Contract For The Seismic Retrofit Of Coliseum Way Bridge (Project No. C346810) To Disney Construction, Inc., The Lowest Responsive And Responsible Bidder, In The Amount Of Two Million Eight Hundred Fourteen Thousand Nine Hundred Fourteen Dollars (\$2,814,914.00) In Accord With The Project Plans And Specifications And The Contractor's Bid; And
[12-0289](#)

Scheduled to *Public Works Committee on 2/26/2013
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2) Resolution Authorizing The City Administrator To Accept And Appropriate Up To Three Million Six Hundred One Thousand Fifty-Nine Dollars (\$3,601,059.00) Of Federal Highway Administration And State Proposition 1B Funds For The Seismic Retrofit Of Coliseum Way Bridge (Project No. C346810)
[12-0289-1](#)

S-4.18 Subject: Recognition Of Service - Deputy Fire Chief James Williams
From: Vice Mayor Larry Reid
Recommendation: Adopt A Resolution Recognizing And Honoring Deputy Fire Chief James Williams For 22 Years Of Dedicated Services To The City Of Oakland
[12-0277](#)

Scheduled to * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council on 2/19/2013
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S-4.19 Subject: Mike McPherson Business Assistance Center Report
From: Vice Mayor Larry Reid
Recommendation: Receive An Informational Report And Possible Action On Activities In The Mike McPherson Business Assistance Center (Number Of Businesses Assisted, Number Of New Businesses Created, Benchmarks And Projections); On The March 12, 2013 Community & Economic Development Committee Agenda
[12-0281](#)

Scheduled to *Community & Economic Development Committee on 3/12/2013

S-4.20 Subject: Library Telecommunications Proposal
From: Oakland Public Library
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To Execute An "Authorization To Order" To Allow Oakland Public Library To Receive Local, Long Distance, Data Transmission, Internet and Voice Over Internet Protocol Telecommunications Services From AT&T In Fiscal Year 2013-2014 At A Cost To Be Determined By Usage Rates And To Receive Wide Area Network (WAN) Services In Fiscal Years 2013- 2018 With A Potential Deep Discount Using E-Rate And California Teleconnect Funds (CTF) At The Cost of \$6150 Per Month
[12-0295](#)

Scheduled to *Life Enrichment Committee on 2/26/2013

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S-4.21 Subject: Library Grant For Software Development
From: Oakland Public Library
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept, And Appropriate Grant Funds In The Amount of \$53,500 From The Bay Area Library And Information System (BALIS) And \$15,000 From Pacific Library Partnership (PLP) For The Development of A Library Software Platform Called "Play@Your Library".
[12-0296](#)

Scheduled to *Life Enrichment Committee on 2/26/2013

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S-4.22 Subject: Reallocation of Measure WW Funds
From: Office Of Parks And Recreation
Recommendation: Adopt A Resolution Approving The East Bay Regional Park District's Reallocation Of One Million Dollars (\$1,000,000.00) Of Local Grant Program Of The Open Space, Wildlife, Shoreline And Parks Bond (2008 Measure WW) From The City's Police Athletic League Camp To The Chabot Space And Science Center Outdoor Redwoods Camp And To Approve The Remittance Of Funds From The East Bay Regional Park District Directly To Chabot Space And Science Center
[12-0288](#)

Scheduled to *Life Enrichment Committee on 2/26/2013

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S-4.23 Subject: Introduction Of New BART Directors
 From: Council President Patricia Kernighan
 Recommendation: Receive An Introduction Of Two New Bay Area Rapid Transit (BART)
 Directors: Zakhary Mallett Representing District 7 And Rebecca Saltzman Representing
 District 3
[12-0282](#)

**Scheduled to * Concurrent Meeting of the Oakland Redevelopment
 Successor Agency and the City Council on 3/19/2013**

S-4.24 Subject: April 2013 Council Schedule
 From: Council President Patricia Kernighan
 Recommendation: A Request To Review The April 2013 Council And Council's Committee
 Meeting Schedule; On The February 7, 2013 Rules & Legislation Committee Agenda
[12-0300](#)

*A motion was made by Member Schaaf, seconded by Member Kalb, that this
 matter be Approved as follows:*

*The Regular City Council meeting on April 2, 2013 is cancelled. A Special City
 Council meeting will be held on April 2, 2013. On April 30, 2013, a Budget
 Workshop will be held.*

*The motion carried by the following vote:
 Votes: Absent; 1 - Vice Mayor Reid*

*Ayes; 3 - Member Kalb, Member Schaaf, and Council President
 Kernighan*

S-4.25 Subject: Support For AB 187: Taxing Ammunition
 From: President Pro Tempore Rebecca Kaplan
 Recommendation: Adopt A Resolution Supporting AB 187 Establishing A Tax On All
 Ammunition Sold In Retail Stores And Gun Shows In The State And Direct The Revenue From
 The Tax To A High Crime Prevention Fund For Crime Prevention Efforts In High-Crime Areas
 Of The State
[12-0285](#)

**Scheduled to * Concurrent Meeting of the Oakland Redevelopment
 Successor Agency and the City Council on 2/19/2013**

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[rulesItem4020713](#)
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[rulesItem4-24020713](#)
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Items Submitted On The Dais

Subject: Oakland Open Data Day
From: Councilmember Libby Schaaf
Recommendation: Adopt A Resolution Recognizing February 23, 2013 As Open Data Day In Oakland, California
[12-0304](#)

**Scheduled to * Concurrent Meeting of the Oakland Redevelopment
Successor Agency and the City Council on 2/19/2013**
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From The February 26, 2013 Finance & Management Committee Meeting

Subject: Outside Counsel Contracts Report
From: Councilmember Desley Brooks
Recommendation: Receive An Informational Report And Possible Action On How The City Attorney's Office Awarded In Excess Of Eight Million Dollars (\$8,000,000) In Outside Counsel Contracts Without Council Approval And/Or A Competitive Bid Process In Violation Of The City Charter And The City Of Oakland Purchasing Ordinance; Whether The Lack Of A Competitive Bid Process Created A Pay To Play Scheme In The Award Of Outside Counsel Contracts; And Establishing Processes And Procedures To Ensure The City Attorney's Office Complies With The Requirements Of The City Charter And The Purchasing Ordinance
[12-0127](#)

A motion was made by Member Schaaf, seconded by Member Kalb, that this matter be *Withdrawn with No New Date. The motion carried by the following vote:

Votes: Absent; 1 - Vice Mayor Reid
Aye; 3 - Member Kalb, Member Schaaf and Council President Kernighan
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From The February 26, 2013 Public Works Committee Pending List

Subject: Safe Routes Transit Grant
From: President Pro Tempore Kaplan
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept Safe Routes Transit Grant For The Uptown Bike Station, And Authorizing The City Administrator To Enter Into An Memorandum Of Understanding (MOU) With Bay Area Rapid Transit (BART) For The Operations And Management Of The Station And Commit To Contributing Operating Funds Not To Exceed \$250,000 Over A Five Year Period; On The February 26, 2013 Public Works Committee Agenda
[12-0256](#)

***Withdrawn and Rescheduled to *Public Works Committee on 4/9/2013**

5 A review of the Draft Agendas for the Council's Committees for the meetings of February 19, 2013, and the Rules and Legislation committee meeting of February 21, 2013.

**A motion was made by Member Schaaf, seconded by Member Kalb, to
*Approve as Submitted. The motion carried by the following vote:**

Votes: Absent; 1 - Vice Mayor Reid

Aye; 3 - Member Kalb, Member Schaaf and Council President Kernighan

OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

There were no speakers on this item.

Adjournment

There being no further business, and upon the motion duly made, the Oakland City Council Rules & Legislation Committee adjourned the meeting at 11:36 a.m.

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* In the event a quorum of the City Council participates on this Committee, the meeting is noticed as a Special Meeting of the City Council; however, no final City Council action can be taken.

City Clerk and Clerk of the Council